

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOMINICK VOLINO, JOHN PLOTT,
KEVIN LUKASIK, LORENZO COSTA,
ZACHARY GOODIER, and JAMES ENGLAND
on behalf of themselves and all
others similarly situated.

Plaintiffs,

-v-

Civil Action No. 1:21-cv-6243-LGS

PROGRESSIVE CASUALTY INSURANCE
COMPANY, PROGRESSIVE ADVANCED
INSURANCE COMPANY,
PROGRESSIVE MAX INSURANCE
COMPANY, and PROGRESSIVE SPECIALTY
INSURANCE COMPANY,

Defendants.

**DEFENDANTS' NOTICE OF MOTION TO DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Julia C. Barrett dated November 10, 2021, and accompanying exhibits, and all other papers and proceedings in this matter, Defendants Progressive Casualty Insurance Company, Progressive Advanced Insurance Company, Progressive Max Insurance Company, and Progressive Specialty Insurance Company ("Defendants") will move this Court, before the Honorable Lorna G. Schofield, at Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by the Court, for an order Granting Defendants' Motion to Dismiss. The basis for the motion is set forth in the accompanying Memorandum of Law.

Dated: November 10, 2021

/s/ Jeffrey S. Cashdan

Jeffrey S. Cashdan (admitted *pro hac vice*)

Zachary A. McEntyre (admitted *pro hac vice*)

J. Matthew Brigman (admitted *pro hac vice*)

Allison Hill White (admitted *pro hac vice*)

KING & SPALDING LLP

1180 Peachtree Street, N.E.

Atlanta, Georgia 30309

Telephone: (404) 572-4600

Fax: (404) 572-5100

jcashdan@kslaw.com

zmcentyre@kslaw.com

mbrigman@kslaw.com

awhite@kslaw.com

Julia C. Barrett (admitted *pro hac vice*)

KING & SPALDING LLP

500 W. 2nd Street

Austin, Texas 78701

Telephone: (512) 457-2000

Fax: (512) 457-2100

jbarrett@kslaw.com

Laura E. Harris

KING & SPALDING LLP

1185 Avenue of the Americas

34th Floor

New York, NY 10036-4003

Telephone: (212) 556-2100

Fax: (212) 556-2222

lharris@kslaw.com

Counsel for Defendants